

Docket No.: 13173-00002-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Christel R. Schopfer et al.

Application No.: 10/524648

Filed: February 17, 2005

For: **TRANSGENIC EXPRESSION CASSETTES
FOR EXPRESSING NUCLEIC ACIDS IN
THE FLOWER OF PLANTS**

Confirmation No.: 8428

Art Unit: N/A

Examiner: Not Yet Assigned

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**INFORMATION DISCLOSURE STATEMENT (IDS) AND TRANSMITTAL OF
EUROPEAN SEARCH REPORT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

The documents listed on the attached SB/08 are documents cited in the European Search Report during the prosecution of the corresponding European application EP 03793448 which had not been previously submitted. Copies of the International applications listed on the SB/08 are not enclosed as these are equivalent to the U.S. co-pending applications listed which are the corresponding national stage applications. Please note that certain of the U.S. co-pending national stage applications have not yet been published. Pursuant to 37 CFR 1.98(a)(2)(iii), copies of the documents are not believed to be required because the applications were filed after June 30, 2003 and are available in the IFW.

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Applicants also enclose herewith a copy of the European Search Report.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

Applicants believe no fee is due with this communication. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 13173-00002-US from which the undersigned is authorized to draw.

Respectfully submitted,

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PTO/SB/08a/b (07-05)

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Complete if Known		
			Application Number	10/524648-Conf. #8428	
			Filing Date	February 17, 2005	
			First Named Inventor	Christel R. Schopfer	
			Art Unit	N/A	
			Examiner Name	Not Yet Assigned	
			Attorney Docket Number	13173-00002-US	
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA*	10/524,652		Christel R. Schopfer et al.	
	AB*	10/524,972		Christel R. Schopfer et al.	
	AC*	2005/0281909-A1	12-22-2005	Ralf Flachmann et al.	
	AD*	10/524,971		Martin Klebsattel et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	BA*	WO-2004/018385-A2	03-04-2004	Sungene GMBH & Co. KGAA		See co-pending US 10/524,652
	BB*	WO-2004/018693-A2	03-04-2004	SunGene GMBH & Co. KGAA		See co-pending US 10/524,972
	BC*	WO-2004/017749-A2	03-04-2004	SunGene GMBH & Co. KGAA, et al.		See co-pending US-2005/0281909-A1
	BD*	WO-2004/018688-A1	03-04-2004	SunGene GMBH & Co. KGAA		See co-pending US 10/524,971

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.88(a)(2)(ii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Examiner Signature	Date Considered
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